

ZONING CHANGE REVIEW SHEET

CASE: C14-72-204(RCA3) – 1401 South Pleasant Valley Road **PC DATE:** January 27, 2015

ADDRESS: 1401 South Pleasant Valley Road; 4420 Elmont Drive

DISTRICT AREA: 3

AREA: 2.111 acres

NEIGHBORHOOD PLAN AREA: East Riverside Corridor
(East Riverside/Oltorf Combined Neighborhood Plan Area)

OWNER: Kenmare Partners, Ltd. (Charlyn Daugherty)

AGENT: Armbrust & Brown, PLLC (Eric deYoung)

REQUEST: To terminate a 1972 Restrictive Covenant as it applies to this property

SUMMARY STAFF RECOMMENDATION:

Staff recommends granting the termination of the 1972 Restrictive Covenant as it applies to this property.

PLANNING COMMISSION ACTION:

January 27, 2015: *APPROVED TERMINATION OF THE 1972 RESTRICTIVE COVENANT AS IT APPLIES TO THIS PROPERTY, AS STAFF RECOMMENDED, BY CONSENT*
[J. STEVENS; R. HATFIELD – 2ND] (7-0) D. CHIMENTI; L. VARGHESE – ABSENT

DEPARTMENT COMMENTS:

The subject two lots (see Exhibit A) are a portion of Tract 12 identified in the original 497 acres known as "The Crossing". The Restrictive Covenant that accompanied the 1972 zoning change applies to the entire 497 acres and restricts the total number of dwelling units to 4,658, and assigns Tract 12 (a total of 41.44 acres in size) to 22 dwelling units/acre and a total of 912 units.

The property was rezoned to the general community – conditional overlay (GR-CO) combining district in 2002 (C14-02-0055). The Conditional Overlay limited development to 2,000 vehicle trips per day and neighborhood commercial (LR) zoning regulations, and prohibits auto rentals, auto repair services, auto sales and auto washing (of any type). In the absence of adding the MU combining district, the 2002 rezoning did not allow for residential uses to occur.

The 1972 Restrictive Covenant as it applies to the subject property was amended in 2008 to allow for GR-CO uses as identified by the 2002 ordinance.

With the adoption of the ERC Regulating Plan, the tract was identified as an Urban Residential subdistrict (C14-2012-0111b). The Urban Residential subdistrict allows for residential-attached uses to occur including townhouses, condos or multifamily dwellings. Development standards include a maximum of 40 feet, 65 percent impervious cover and a maximum floor-to-area ratio of 0.75 to 1.

The overall goal of the restrictive covenant amendment is to remove the potential for the 1972 Restrictive Covenant to be inconsistent with the standards established by the East Riverside Regulating Plan (ERC zoning) and the Urban Residential subdistrict that applies to this property.

A site plan for 32 townhouses is in process (SP-2014-0177C).

EXISTING ZONING AND LAND USES:

	ZONING	SUB-DISTRICT	LAND USES	Pre-ERC ZONING
<i>Site</i>	ERC	UR	Undeveloped; Telecommunications tower	GR-CO
<i>West</i>	ERC	NMU	Service station; Food sales; Multifamily Residential	GR; CS-1
<i>East/Northeast</i>	ERC	UR	Multifamily Residential	MF-2-CO
<i>South</i>	ERC	NMU	Multifamily Residential	MF-3-CO
<i>North</i>	ERC	UR	Convenience Retail	GR-CO

ERC Subdistricts: **CMU:** Corridor Mixed Use; **NMU:** Neighborhood Mixed Use **UR:** Urban Residential **NR:** Neighborhood Residential

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Plan	Bus Service	Sidewalks
South Pleasant Valley Road	118 feet	54 feet	Arterial	Yes (east side only)	Yes	Yes
Elmont Drive	80 feet	45 feet	Collector	Yes	No	Yes

TIA: Not Applicable

WATERSHED: Country Club West – Suburban

DESIRED DEVELOPMENT ZONE: Yes

SCENIC ROADWAY: No

CAPITOL VIEW CORRIDOR: No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

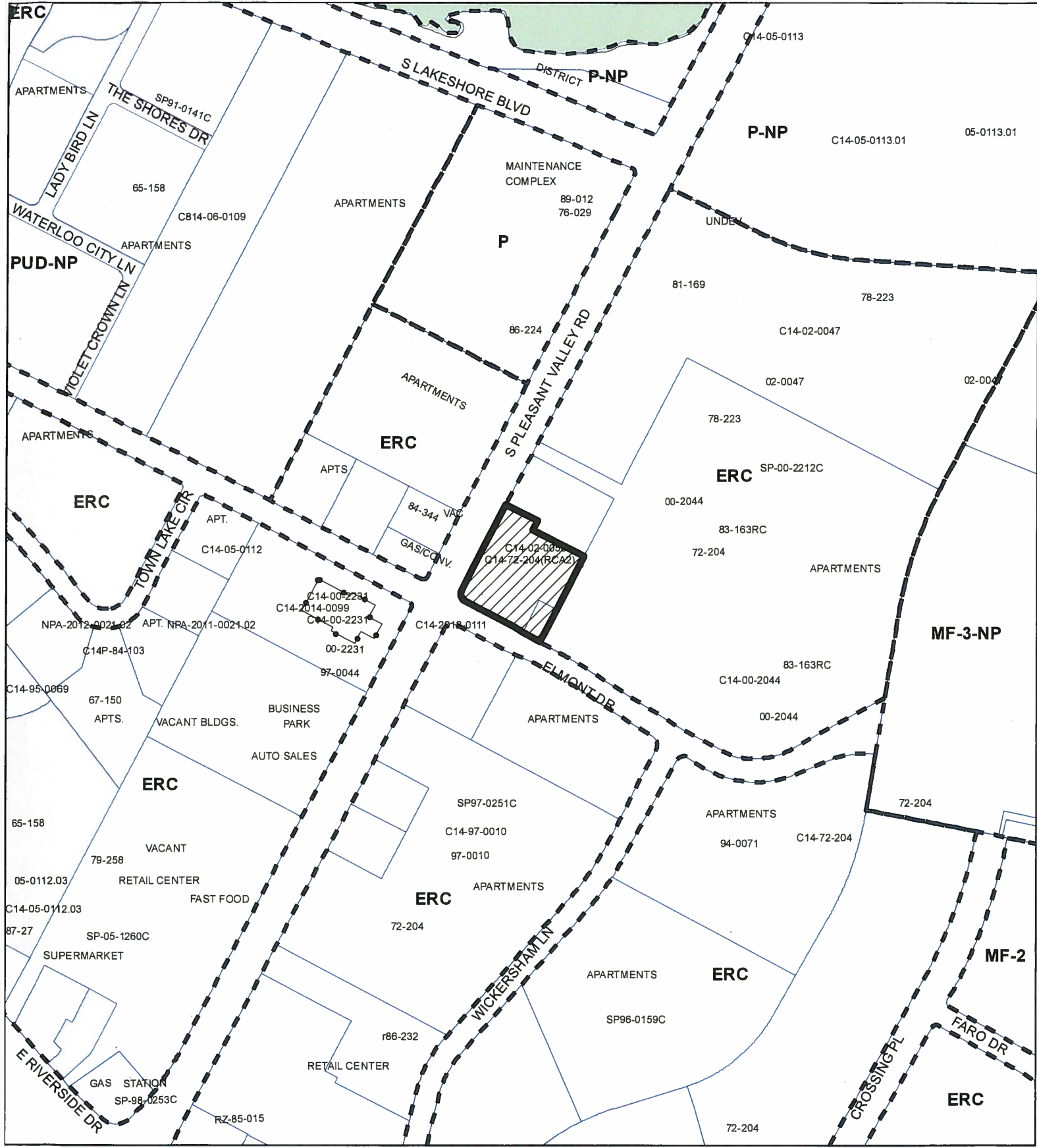
COMMUNITY REGISTRY NAME	COMMUNITY REGISTRY ID
Southeast Austin Neighborhood Alliance	189
Crossing Garden Home Owners Association	299
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Austin Independent School District	742
Del Valle Independent School District	774
East Riverside/Oltorf Neighborhood Plan Contact Team	763
Waterfront Condominium HOA	794
League of Bicycling Voters	1075




Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Waterfront Planning Advisory Board	1366
Preservation Austin	1424
East Austin Conservancy	1444
Friends of the Emma Barrientos MACC	1447
Waterfront Condominium Homeowners Association	1465
East Riverside Corridor Staff Liaison	1474

CITY COUNCIL DATE:

February 26, 2015

CASE MANAGER: Wendy Rhoades, 512-974-7719e-mail: wendy.rhoades@austintexas.gov



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

CASE#: C14-72-204(RCA3)

EXHIBIT A



1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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THE STATE OF TEXAS)

COUNTY OF TRAVIS)

1-16-3158

WHEREAS, Dickson Properties and Roberta Dickson, as owners of approximately 497 acres in the City of Austin, Travis County, Texas, according to field notes prepared by S. A. Garza, Registered Professional Engineer, on August 1, 1972, a copy of which is attached marked Exhibit "A", by agreement with the City of Austin impressed upon said 497 acres certain covenants and restrictions, dated January 3, 1973, wherein the development of said 497 was restricted.

WHEREAS, said covenants and restrictions require that any modification, amended or termination of said agreement be by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and, (b) by the owners of the above described property at the time of such modification, amendment, or termination.

WHEREAS, the owners have presented to the City of Austin a revised conceptual plan for the development of the 497 acres dated October 3, 1973, a copy of which is attached hereto and marked Exhibit "C".

WHEREAS, the Capitol National Bank as Trustee and Roberta Dickson, Dickson Properties, Inc., and Mark Eight Associates, a Texas Limited Partnership as beneficiaries were the owners of said 497 acres as of the date of said revised conceptual plan and are presently owners of approximately 402 of said 497 acres and Austin Country Club Estates, a Texas Limited Partnership has purchased 94.984 acres of said 497 acres, said 94.984 are described in the field notes prepared by Jeryl D. Hart, Registered Professional Engineer, on November 2, 1973, a copy of which is attached marked Exhibit "B", and is presently owner of said 94.984 acres as described, and these owners hereinafter shall be referred to as Owners.

DEED RECORDS
Travis County, Texas

5234 2079

1972 RESTRICTIVE
COVENANT

1-16-3159

WHEREAS, the City of Austin and the Owners have agreed that the covenants and restrictions dated January 3, 1973 should be terminated and that the above described property should be impressed with certain other covenants and restrictions running with the land and desire to set forth such agreement and such covenants and restrictions in writing.

NOW THEREFORE, the Owners for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land and which shall be binding on them, their successors and assigns, as follows, to wit:

1. The total number of dwelling units for the described 497 acres shall not exceed a total of 4,658.

2. The conceptual plan dated October 3, 1973 which shows the property divided into designated areas referred to as Tracts and numbered as Tracts 1 through 25, a copy of which is attached hereto and marked as Exhibit "C", is the official plan approved by the City of Austin and supercedes and replaces any and all previously adopted plans.

3. Those Tracts 1 through 25 which relate to residential uses on said official plan shall be restricted to the approximate densities and number of dwelling units shown thereon, the total of which shall not exceed 4,658 and subject to the following conditions:

Residential Tract Number	Acres	Density	Dwelling Units
1	12	8 DU/ac	96
2	20.5	5 DU/ac	103
3	12.4	8 DU/ac	99

5234 2080

1-16-3160

4	6.6	12 DU/ac	79
4a	8	20 DU/ac	160
5	22	20 DU/ac	440
10	28.87	20 DU/ac	577
11	9.52	20 DU/ac	190
12	41.44	22 DU/ac	912
13	21.82	22 DU/ac	480
16	4.2	20 DU/ac	50
18	30.2	20 DU/ac	604
21	45.18	10 DU/ac	452
22	20.56	10 DU/ac	200
23	18.52	10 DU/ac	179
24	3.67	10 DU/ac	37

4. The number of acres designated to each tract is approximate and adjustments to the total number of dwelling units for a specific Tract will be made based upon the true number of acres contained within a tract as shown on the preliminary plat and the total dwelling units for a specific tract will be shown on said preliminary plat and will be based upon the number of acres multiplied by the designated density provided for said tract as indicated above. The preliminary plat will indicate the density requirements as indicated above and all final subdivision plans must be in conformance with these density restrictions and must be so designated on the recorded plan(s). Although adjustments because of approximation as to acreage shall be allowed as set forth above the overall density limitation of 4,658 units shall not be exceeded unless otherwise agreed to by the City of Austin and the Owners.

1-16-3161

5. If any person, persons, corporations or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to presecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

6. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in no wise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

7. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

8. This agreement may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and, (b) by the owners of the above described property at the time of such modification, amendment, or termination.

9. The purpose of this Covenant is to limit the development of the areas as to density and shall in no way be construed as a dedication of any street or area for specific use.

1-16-3162

EXECUTED this 31st day of January, A. D. 1975.

CAPITOL NATIONAL BANK IN AUSTIN
AS TRUSTEE

(NO SEAL)

By: Richard W. Uote
Richard W. Uote
Trust Officer for Trusts
Roberta Dickson
ROBERTA DICKSON

DICKSON PROPERTIES, INC.

(NO SEAL)

By: Roberta Dickson - Pres.

MARK EIGHT ASSOCIATES, A TEXAS
LIMITED PARTNERSHIP

(NO SEAL)

By: MARK EIGHT CORPORATION
A GENERAL PARTNER
By: JOHN A. SBAROUNIS, PRESIDENT

John A. Sbarounis
James F. Sbarounis

AUSTIN COUNTRY CLUB ESTATES, A
TEXAS LIMITED PARTNERSHIP

By: MARK EIGHT ASSOCIATES, GENERAL
PARTNER OF AUSTIN COUNTRY CLUB
ESTATES

(NO SEAL)

By: MARK EIGHT CORPORATION, GENERAL
PARTNER OF MARK EIGHT ASSOCIATES

By: John A. Sbarounis
President
James F. Sbarounis

5234 2033

1-16-3163

THE STATE OF TEXAS)

COUNTY OF TRAVIS)

BEFORE ME, the undersigned authority, on this day personally appeared of DICKSON PROPERTIES, INC. of Austin, Travis County, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 21 day of Feb, 1975.

NOTARY SEAL

Le Gilbert
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS)

COUNTY OF TRAVIS)

BEFORE ME, the undersigned authority, on this day personally appeared ROBERTA P. DICKSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21 day of Feb, 1975.

NOTARY SEAL

Le Gilbert
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

THE STATE OF ILLINOIS)

COUNTY OF WILL)

BEFORE ME, the undersigned authority, on this day personally appeared JOHN A. SBAROUNIS, President of Mark Eight Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 6th day of February, 1975.

NOTARY SEAL

Rosa Elena Murray
NOTARY PUBLIC, WILL COUNTY, ILLINOIS

MY COM. EXPIRES APRIL 6, 1978

5234 2034

THE STATE OF TEXAS

1-16-3164

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared RICHARD W. CHOTE, Trust Officer, The Capital National Bank in Austin, Trustee, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of February, 1975.

NOTARY SEAL

Lincoln
NOTARY PUBLIC, TRAVIS COUNTY,
TEXAS

5234 2035

EXHIBIT "A"

1-16-3165

FIELD NOTES FOR THE ENTIRE DICKSON PROPERTY, SAID TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the iron stake at the southwest corner of the herein described tract of land, same iron stake also being in the north right-of-way line of Riverside Drive, same iron stake also being in the east right-of-way line of Pleasant Valley Road;

THENCE with the east right-of-way line of Pleasant Valley Road the following two (2) courses:

(1) N 30° 24' E, passing an iron stake at 1417.25 feet, 2287.93 feet to an iron stake;

(2) N 30° 13' E, passing an iron stake at 1583.20 feet, 1788.12 feet to an iron stake;

THENCE N 75° 55' E, 34.39 feet to an iron stake;

THENCE N 71° 55' E, 397.91 feet to an iron stake;

THENCE N 71° 29' E, 324.96 feet to an iron stake;

THENCE N 71° 56' E, 220.33 feet to an iron stake;

THENCE N 67° 47' E, 471.48 feet to an iron stake;

THENCE S 84° 30' E, 418.95 feet to an iron stake;

THENCE N 30° 11' E, 1975.20 feet to an iron stake;

THENCE N 24° 58' E, 214.15 feet to an iron stake in the south bank of the Colorado River for the northwest corner of the herein described tract of land;

THENCE with the south bank of the Colorado River the following twelve (12) courses:

(1) N 88° 53' E, 334.30 feet to an iron stake;

(2) S 88° 58' E, 369.60 feet to an iron stake;

(3) S 82° 06' E, 471.10 feet to an iron stake;

(4) S 77° 18' E, 316.76 feet to an iron stake;

(5) S 88° 32' E, 167.35 feet to an iron stake;

(6) S 81° 24' E, 292.00 feet to an iron stake;

Page 1 of 3

RECORDING MEMORANDUM
ALL OR PART OF THE TEXT ON THIS PAGE
WAS NOT CLEARLY LEGIBLE FOR SATISFACTORY REPRODUCTION

5234 2036

FIELD NOTES

Page 2 of 3

DICKSON PROPERTY

1-16-3166

(7) S 56° 42' E, 98.77 feet to an iron stake;

(8) S 30° 13' E, 110.70 feet to an iron stake;

(9) S 07° 28' E, 197.90 feet to an iron stake;

(10) S 09° 44' E, 280.12 feet to an iron stake;

(11) S 18° 10' E, 210.57 feet to an iron stake;

(12) S 30° 31' E, 185.86 feet to an iron stake at the northeast corner of the herein described tract of land;

THENCE S 29° 33' W, 466.24 feet to an iron stake;

THENCE S 29° 47' W, 1104.50 feet to an iron stake;

THENCE N 69° 13' W, 1219.86 feet to an iron stake;

THENCE S 36° 18' W, 1305.03 feet to an iron stake;

THENCE S 41° 14' W, 448.81 feet to an iron stake;

THENCE S 21° 43' W, 645.80 feet to an iron stake;

THENCE S 02° 21' E, 281.82 feet to an iron stake;

THENCE S 02° 16' E, 889.86 feet to an iron stake;

THENCE S 02° 17' E, 698.12 feet to an iron stake;

THENCE S 02° 20' E, 790.45 feet to an iron stake;

THENCE S 29° 53' W, 480.73 feet to a concrete monument;

THENCE S 30° 06' W, 563.19 feet to a concrete monument in the north right-of-way line of Riverside Drive for the southeast corner of the herein described tract of land;

THENCE with the north right-of-way line of Riverside Drive the following eleven (11) courses:

(1) N 57° 47' W, 626.34 feet to an iron stake;

(2) N 58° 26' W, 194.97 feet to an iron stake;

(3) N 60° 43' W, 299.92 feet to an iron stake;

ORIGINAL DIM

5234 2087

FIELD NOTES

Page 3 of 3

DICKSON PROPERTY

1-16-3167

- (4) N 62° 59' W, 484.18 feet to an iron stake;
- (5) N 66° 18' W, 703.33 feet to an iron stake at a point of curvature;
- (6) With a curve to the left whose chord bears N 65° 17' W, 43.53 feet and whose arc measures 43.53 feet to an iron stake;
- (7) Continuing that same curve to the left an additional arc length of 247.45 feet and an additional chord which bears N 70° 23' W, 247.16 feet to an iron stake at a point of tangency;
- (8) N 75° 17' W, 342.35 feet to an iron stake at a point of curvature;
- (9) With a curve to the right whose chord bears N 67° 06' W, 396.50 feet and whose arc measures 397.85 feet to an iron stake at a point of tangency;
- (10) N 58° 55' W, 518.44 feet to an iron stake at a point of curvature;
- (11) With a curve to the right whose chord bears N 54° 39' W, 136.00 feet and whose arc measures 136.11 feet to the original point of beginning containing 496.80 acres of land.

Field Notes prepared in the offices of S. A. Garza Engineers, Inc.,
503 Scarbrough Building, Austin, Texas, August 1, 1972.



S. A. Garza
S. A. Garza
Registered Professional Engineer

5234 2088

FIELD NOTES AROUND THE
OUTBOUNDARY OF THE CROSSING PHASE 1

FIELD NOTES OF A 94.984 ACRE TRACT OUT OF THE SANTIAGO DEL VALLE GRANT, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 94.984 ACRE TRACT BEING ALL OR A PORTION OF THE FOLLOWING: A 56.99 ACRE TRACT OF WHICH ONE-HALF INTEREST WAS CONVEYED TO THE CAPITAL NATIONAL BANK, TRUSTEE IN VOLUME 4588, PAGE 1640 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS; THE REMAINING ONE-HALF INTEREST OF THE 56.99 ACRE TRACT AND A 1/2 INTEREST IN AN ADDITIONAL 439.77 ACRES (496.76 ACRES IN TOTAL) BEING CONVEYED TO CAPITAL NATIONAL BANK, TRUSTEE BY DEED RECORDED IN VOLUME 4588, PAGE 1629; THE REMAINING ONE-HALF INTEREST IN THE 439.77 ACRE TRACT BEING CONVEYED TO CAPITAL NATIONAL BANK, TRUSTEE, BY DEED RECORDED IN VOLUME 4588, PAGE 1679 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 94.984 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron stake found at the most westerly corner of Lot 1, Penick Place, a subdivision in Travis County, Texas as recorded in Book 5, Page 147 of the Plat Records of Travis County, Texas; said point being on the northerly right-of-way line of Riverside Drive;

THENCE along the northerly right-of-way line of Riverside Drive the following five (5) courses:

1. N 57°-36' W., 627.22 feet to an iron stake found;
2. N 58°-03' W., 195.01 feet to an iron stake found;
3. N 60°-25' W., 299.64 feet to an iron stake found;
4. N 62°-39' W., 484.22 feet to an iron stake found;
5. N 63°-57' W., 702.96 feet to an iron stake found;

THENCE through the interior of the said 496.76 acre tract the following twelve (12) courses:

1. N 26°-00' E., 39.29 feet to an iron stake set;
2. S 64°-00' E., 37.96 feet to an iron stake set;
3. An arc distance of 23.56 feet along a curve to the left whose elements are: I=90°-00', Rad.=15.00', Tan.=15.00' and whose longchord bears N 71°-00' E., 21.21 feet to the P.T. of said curve;

1-16-3169

4. N 26°-00' E., 205.00 feet to an iron stake set;
5. An arc distance of 314.49 feet along a curve to the right, whose elements are: $I=26^{\circ}-00'$, $Rad.=693.04'$, $Tan.=160.00'$ and whose longchord bears N 39°-00' E., 311.80 feet to the P.T. of said curve;
6. N 52°-00' E., 120.00 feet to an iron stake set;
7. An arc distance of 277.29 feet along a curve to the left, whose elements are: $I=19^{\circ}-30'$, $Rad.=814.75'$, $Tan.=140.00'$ feet and whose longchord bears N 42°-15' E., 275.96 feet to the P.T. of said curve;
8. N 32°-30' E., 635.00 feet to an iron stake set;
9. An arc distance of 476.15 feet along a curve to the left, whose elements are: $I=17^{\circ}-45'$, $Rad.=1537.00'$, $Tan.=240.00'$ and whose longchord bears N 23°-38' E., 474.25 feet to the P.T. of said curve;
10. N 14°-45' E., 40.00 feet to an iron stake set;
11. S 75°-15' E., 212.90 feet to an iron stake set;
12. S 57°-30' E., 1326.81 feet to an iron stake set on the east boundary of the said 496.76 acre tract; said point also being the most northeasterly corner of the said 56.69 acre portion of the 496.76 acre tract;

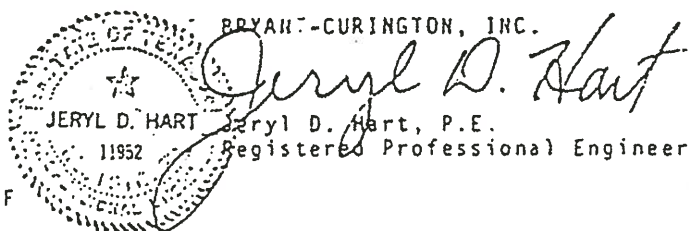
THENCE along the common boundary between the said 496.76 acre tract and a tract conveyed to Country Club of Austin as recorded in Volume 838, Page 189 of the Deed Records of Travis County, Texas the following three (3) courses:

1. S 01°-55' E., 400.00 feet to an iron stake found;
2. S 01°-57' E., 790.15 feet to an iron stake found;
3. S 30°-16' W., 480.66 feet to an iron stake found at a common corner with the said Penick Place subdivision;

THENCE S 30°-23' W., 563.13 feet along the common boundary between the said 496.76 acre tract and the said Penick Place Subdivision to the POINT OF BEGINNING, containing 94.984 acres as surveyed and computed by Bryant-Curington, Inc., in October, 1973,

I HEREBY CERTIFY that these notes were prepared from an actual survey made on the ground under my supervision according to law and are true and correct to the best of my knowledge.

WITNESS MY HAND AND SEAL this the 2nd day of November, 1973, A.D.



JDH:JWH/dd
Job No. 73-62-F

EXHIBIT "B" Page 2

5234 2090

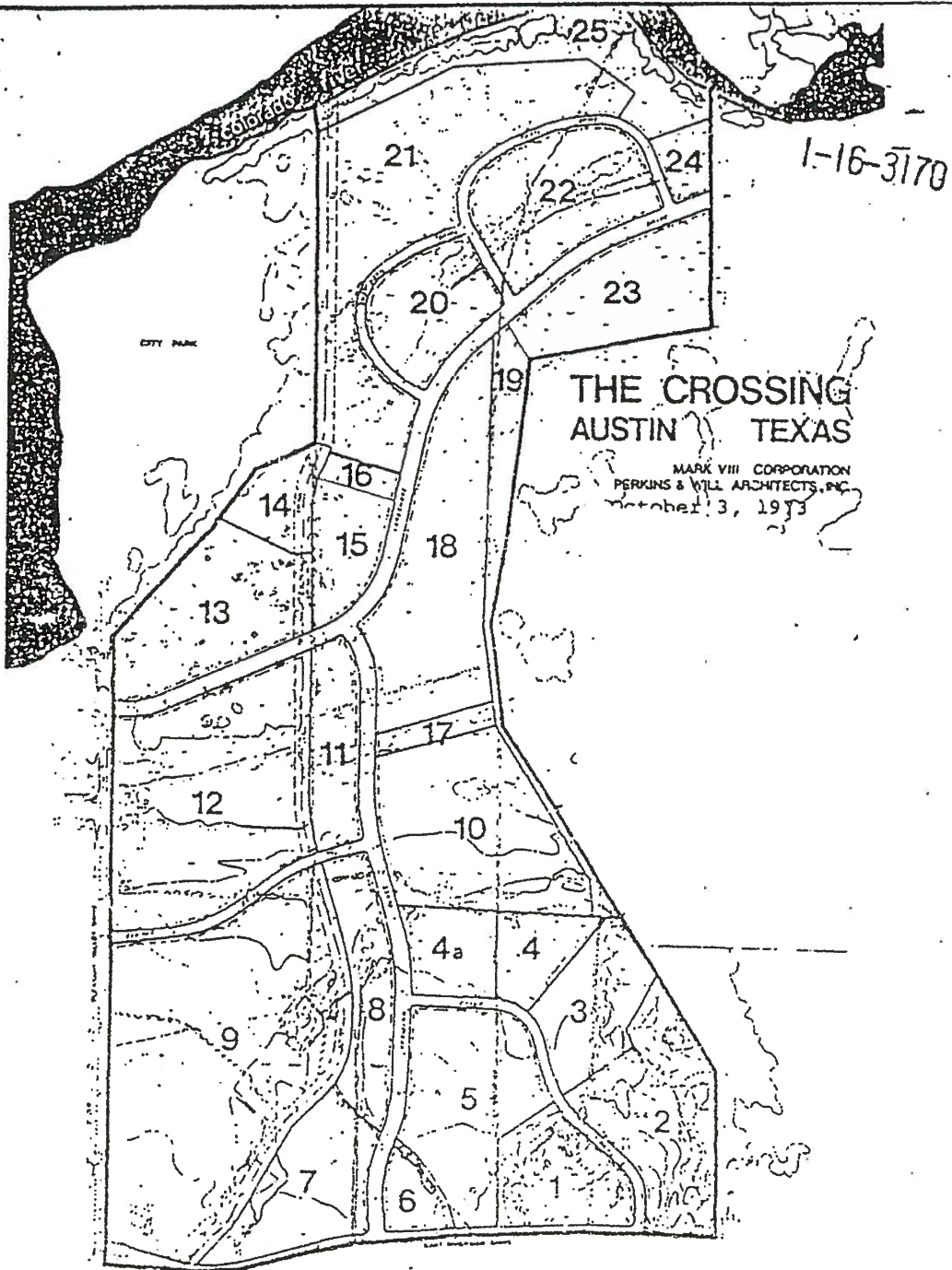


EXHIBIT "C"

RECORDING MEMORANDUM
ALL OR PARTS OF THE 1973 ON THIS PAGE
WAS NOT CLEARLY LEGIBLE FOR DATAPRODUCT RECORDATION

5234 2091

1-16-3171

JUL 24 8 38 AM '75

L. H. Hargrave
COUNTY CLERK
TRAVIS COUNTY, TEXAS

Kind, change 1/16 to 1/17
LAW DEPARTMENT
CITY OF AUSTIN
P. O. BOX 1088
AUSTIN, TEXAS 78761

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me; and was duly
RECORDED, in the Volume and Page of the named RECORDS
of Travis County, Texas, as Stamped hereon by me, on

JUL 24 1975



L. H. Hargrave
COUNTY CLERK
TRAVIS COUNTY, TEXAS

5234 2092

ORDINANCE NO. 020801-58

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1401 SOUTH PLEASANT VALLEY ROAD FROM GENERAL OFFICE (GO) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general office (GO) district to community commercial-conditional overlay (GR-CO) combining district on the property described in **Zoning Case No. C14-02-0055**, on file at the Neighborhood Planning and Zoning Department, as follows:

A 3.431 acre tract of land, more or less, out of the Santiago del Valle Grant in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 1401 South Pleasant Valley Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The following uses of the Property are prohibited:

Automotive sales
Automotive repair services

Automotive rentals
Automotive washing (of any type)

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district and other applicable requirements of the City Code.

PART 3. The Council waives the requirements of Section 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on August 12, 2002.

PASSED AND APPROVED

August 1, 2002

§
§
§

Gustavo L. Garcia

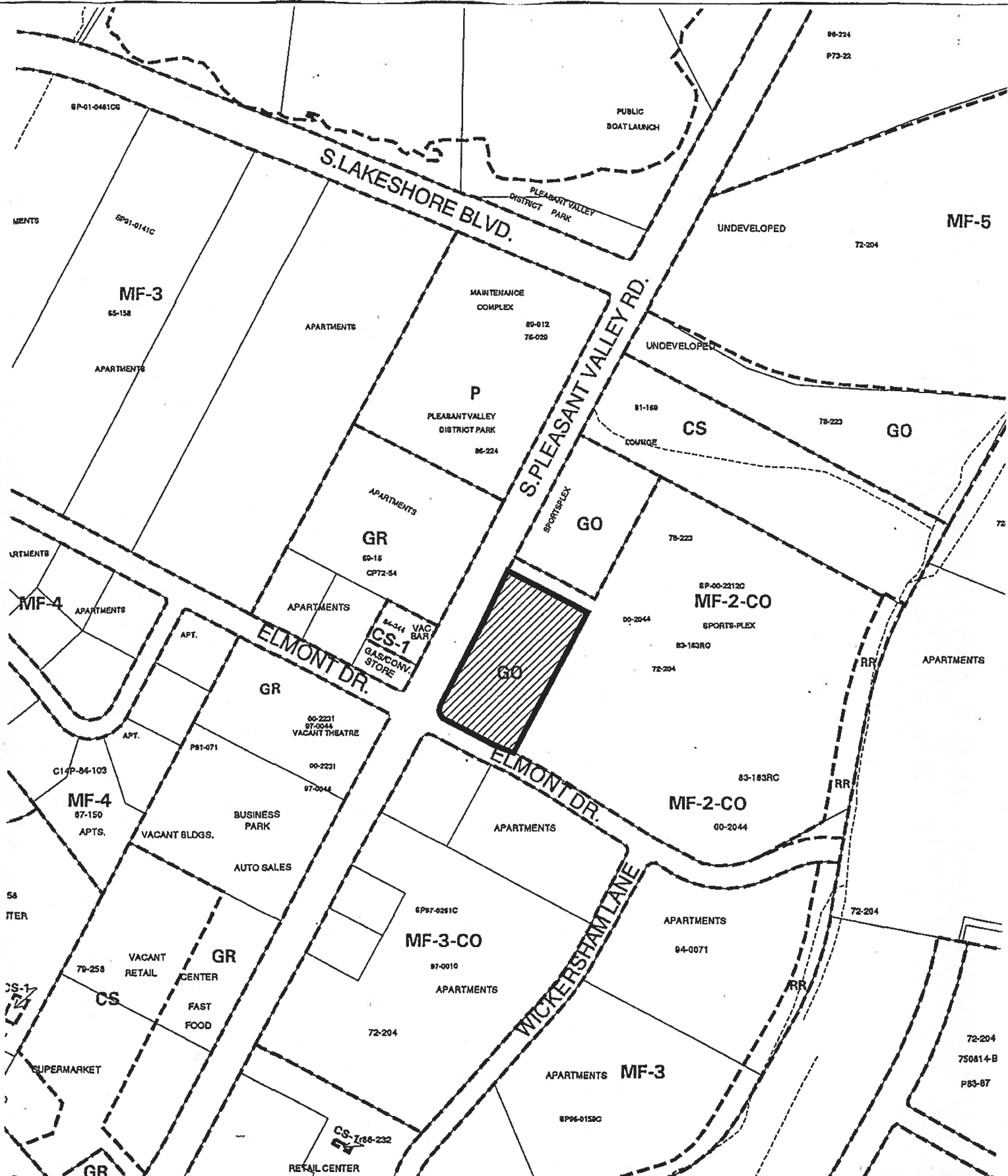
Gustavo L. Garcia
Mayor





APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Elvonne Spence
for Shirley A. Brown
Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT B CASE #: C14-02-0055 ADDRESS: 1401 S.PLEASANT VALLEY RD. SUBJECT AREA (acres): 3.431	DATE: 02-05 INTLS: TRC	CITY GRID REFERENCE NUMBER K20
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: A.BEAUDET				



Zoning Case No. C14-72- 204(RCA2)

STATE OF TEXAS

COUNTY OF TRAVIS

AMENDMENT TO AGREEMENT OF COVENANTS AND RESTRICTIONS

WHEREAS, DICKSON PROPERTIES and ROBERT DICKSON, as owners of approximately 497 acres in the City of Austin, Travis County, Texas, as more particularly described by metes and bounds in Exhibit A to that certain Restrictive Covenant, recorded in Volume 5234, page 2079, Deed Records of Travis County, Texas (The Parent Tract Property) did impress upon said Parent Tract, certain covenants and restrictions related to the permitted uses on the Parent Tract in favor of the City of Austin; and

WHEREAS, said Covenants and Restrictions require that any modification, amendment or termination of said Agreement be by the joint action of both the majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin and by the owners of the above described Parent Tract or portion thereof subject to the modification, amendment or termination; and

WHEREAS, on the 1st day of August, 2002, the then owner of the portion of the Parent Tract currently described as Lot 1, Block A, Daugherty Subdivision, according to the map or plat of record in Document 200300160, Official Public Records of Travis County, Texas (the Property) requested of the City Council of the City of Austin and did obtain from the City Council of the City of Austin approval by Ordinance of the Austin City Council to amend the permitted uses on said Property to those use allowed in the "GR-CO" zone district as more particularly described in Ordinance No. 020801-58 (the Ordinance); and did authorize the modifications of said Agreement of Covenants and Restrictions recorded in Volume 5234, page 2079, Deed Records of Travis County, Texas to be consistent with the uses authorized by the Ordinance on the Property;

NOW, THEREFORE,

Kenmare Partners, Ltd., owner of the Property described as Lot 1, Block A, Daugherty Subdivision, according to the map or plat of record in Document 200300160, Official Public Records of Travis County, Texas and City of Austin agree to amend the Agreement of Covenants and Restrictions as it affects the Property, so as to permit all uses authorized by the Ordinance on the Property effective as of the date of adoption of Ordinance No. 020801-58 on August 1, 2002.

EXECUTED this 24 day of APRIL, 2008.

4-24-08
89

2008 RESTRICTIVE
COVENANT
AMENDMENT

OWNER:

**Kenmare Partners, Ltd.,
Killarney, L.L.C., Its General Partner**

By: Charlyn Daugherty
Charlyn Daugherty, Manager
Its: Owner of Lot 1, Block A, Daugherty
Subdivision

By: Gerald Daugherty
Gerald Daugherty, Manager
Its: Owner of Lot 1, Block A, Daugherty
Subdivision

CITY OF AUSTIN:

By: Laura J. Huffman
**Laura J. Huffman,
Assistant City Manager, City of Austin**

**THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §**

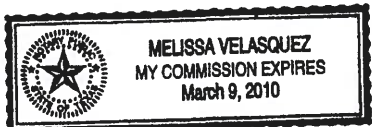
This instrument was acknowledged before me on this the 24 day of April, 2008, by Charlyn Daugherty, Manager of Killarney, LLC general partner to Kenmare Partners Ltd., on behalf of said limited partnership.

Melissa Velasquez
Notary Public, State of Texas

**THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §**



This instrument was acknowledged before me on this the 24 day of April, 2008, by Gerald Daugherty, Manager of Killarney, LLC general partner to Kenmare Partners Ltd., on behalf of said limited partnership.



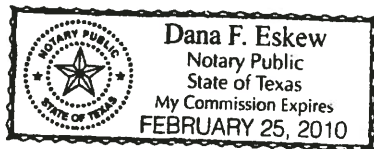
Melissa Velasquez
Notary Public, State of Texas

THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 24 day of April, 2008, by Laura J. Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.



Dana F. Eskew
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
City of Austin Law Department
P.O. Box 1088
Austin, Texas 78767
Attn: Diana Minter, Paralegal

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2008 Apr 29 12:49 PM 2008069653

FERGUSONLL \$24.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

Figure 1-2: East Riverside Corridor Subdistrict Map

Identifies the subdistrict for each property within the ERC boundary.

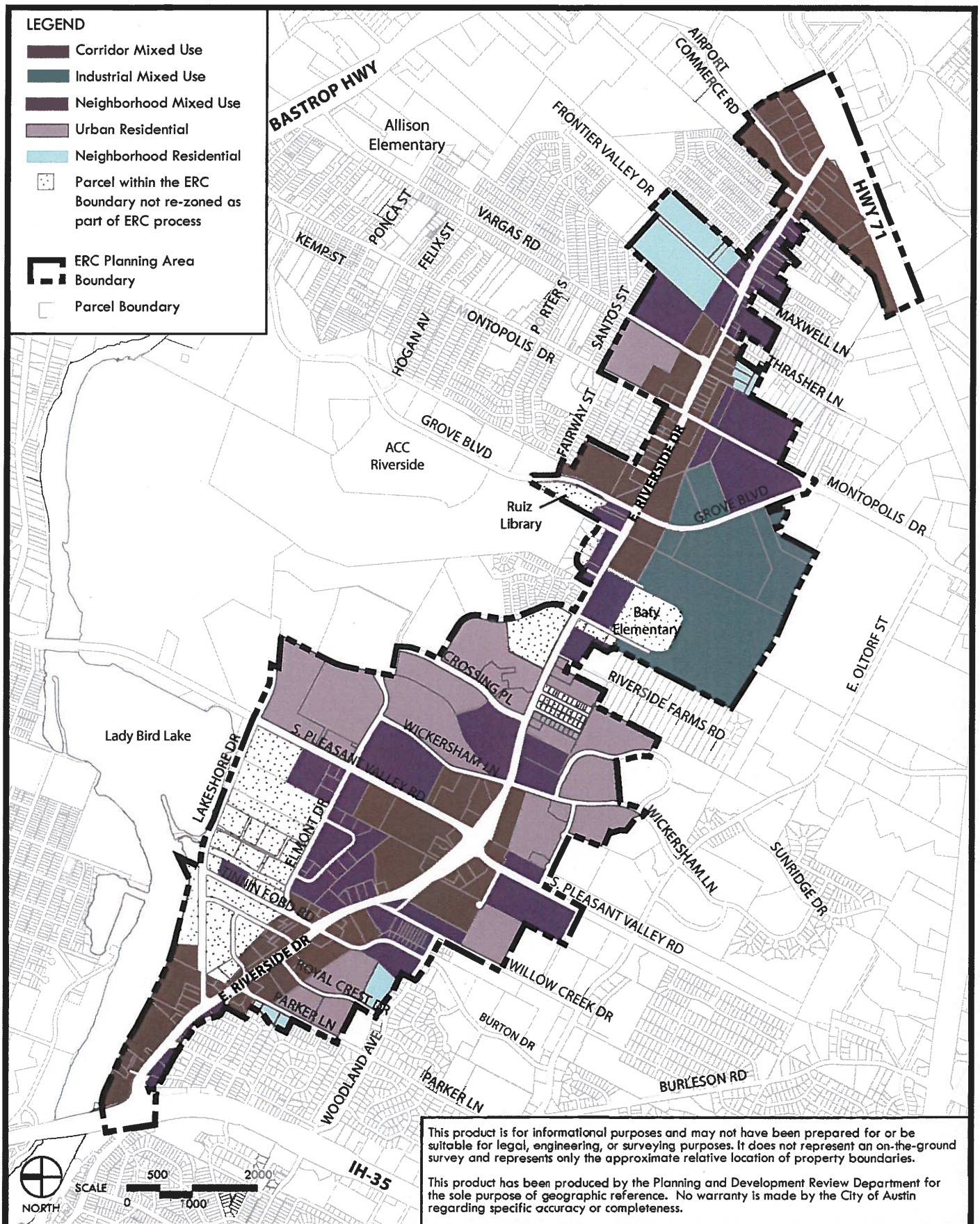
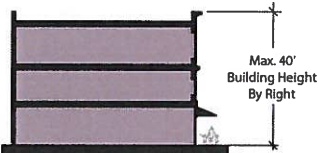




Figure 1-12: Urban Residential (UR)
Summary of UR Subdistrict Development Standards

	Lot Size	Floor to Area Ratio (FAR)	URBAN RESIDENTIAL (UR) SUBDISTRICT																						
CMU	Minimum Lot Size: 1,200 sf Minimum Lot Width: 16'	Maximum Floor-to-Area Ratio (FAR) by Right: .75 :1 Desired minimum FAR: 60% of maximum FAR by right.	<p>Urban Residential is a residential zone that allows for a range of housing types, including townhouses, rowhouses, condos, or multifamily dwellings.</p> <div><p>Max. 40' Building Height By Right</p></div> <p>ABOVE: Typical height limit requirements for buildings within the Urban Residential (UR) Subdistrict.</p>		CMU																				
IMU	Minimum Setbacks Front and Street Side Yard*: No ground-level front yard or side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.				IMU																				
NMU	Interior Side Yard: 0' Rear Yard: 0'	Building Height Maximum Building Height: 40 feet Not eligible for Development Bonus			NMU																				
UR	Upper-Story Building Facade Street-Side Step-backs: The building facade at the fourth story and above must be stepped back a minimum of 10 feet from the ground-level building facade line.				UR																				
NR	* If the street right-of-way is less than 60 feet in width, see Section 4.3.3.C.	Compatibility See Section 4.2.4 for compatibility standards.			NR																				
Building Placement			Urban Residential (UR) Land Use Summary*																						
Building placement determined by Roadway type and Active Edge Designation. *See Fig. 1-3 for Roadway Type designation and Section 4.3 for design requirements.			<table><tr><th colspan="2">Land Use</th></tr><tr><td>Residential, attached</td><td>Permitted</td></tr><tr><td>Residential, detached</td><td>Not Permitted</td></tr><tr><td>Smaller-scale Retail (less than 50,000 sq. ft.)</td><td>Not Permitted</td></tr><tr><td>General Retail</td><td>Not Permitted</td></tr><tr><td>Office</td><td>Not Permitted</td></tr><tr><td>Warehousing & Light Manufacturing</td><td>Not Permitted</td></tr><tr><td>Education / Religion</td><td>Permitted</td></tr><tr><td>Hospitality (hotels/motels)</td><td>Not Permitted</td></tr><tr><td>Civic Uses (public)</td><td>Permitted</td></tr></table> <p>*The table above provides a summary only of land uses permitted within the Urban Residential Subdistrict. See Section 2.3.3. for a complete list of permitted land uses.</p>			Land Use		Residential, attached	Permitted	Residential, detached	Not Permitted	Smaller-scale Retail (less than 50,000 sq. ft.)	Not Permitted	General Retail	Not Permitted	Office	Not Permitted	Warehousing & Light Manufacturing	Not Permitted	Education / Religion	Permitted	Hospitality (hotels/motels)	Not Permitted	Civic Uses (public)	Permitted
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Education / Religion	Permitted																								
Hospitality (hotels/motels)	Not Permitted																								
Civic Uses (public)	Permitted																								
Maximum Impervious Cover																									
Impervious Cover: 65% or Maximum Allowed by LDC 25-8.																									



ABOVE & BELOW:
Examples of development similar to that allowed in the Urban Residential



RESUBDIVISION OF DAUGHERTY SUBDIVISION

BEING A RESUBDIVISION OF LOT 1, BLOCK "A", DAUGHERTY SUBDIVISION



- LEGEND**
- 1/2" IRON ROD FOUND (UNLESS NOTED)
 - CIRCLED "X" FOUND
 - 1/2" IRON PIPE FOUND
 - 1/2" IRON ROD WITH CAP SET
 - SIDEWALK

LINE TABLE

No.	Bearing	Distance
1	N85°43'38"W	96.59
2	N120°13'03"E	112.00
3	S59°46'57"E	61.90

CURVE TABLE

No.	Delta	Radius	Chord Length	Chord Bearing
1	80°37'21"	25.00	39.1	N14°28'41"W

BEARING BASIS:
THE BASIS OF BEARINGS SHOWN HEREON IS NORTHERLY LINE
OF THE PLAT OF THE DAUGHERTY SUBDIVISION, BEING
A SUBDIVISION OF RECORD IN DOCUMENT NO. 20000252 OF THE
OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

RECORDED PLAT

LOT 1, BLOCK "A"
JEFFERSON COMMONS AT TOWN LAKE
DOC. NO. 200200244

LOT 1
BLOCK "A"

JEFFERSON COMMONS AT THE BALLPARK
A RESUBDIVISION OF LOT 1 PLEASANT VALLEY
SPORTSPLEX AND LOT 1 GRANDSLAM ADDITION
DOC. NO. 20000252

LOT 1, BLOCK "A"
JEFFERSON COMMONS
AT TOWN LAKE
DOC. NO. 200200244

50' INGRESS AND
EGRESS EASEMENT
VOL. 11156, PG. 903

WASTEWATER EASEMENT
DOC. NO. 200030228

SIDEWALK EASEMENT
DOC. NO. 200030228
(DOT HATCHED AREA)

LOT 1-A
3.270 ACRES
BLOCK "A"

LOT 1-B
0.162 AC.

LOT 1, BLOCK "C"
PARKE GREEN SUBDIVISION
VOL. 85, PG. 161A

RESUBDIVISION OF
DAUGHERTY SUBDIVISION
A 2 LOT SUBDIVISION
CONSISTING OF 3.432 ACRES

DATE: MAY, 2009
PREPARED BY:

Bury+Partners, Inc.
Consulting Engineers and Surveyors
221 West Sixth Street, Suite 600
Fort Worth, Texas 76101
Tel. (817) 259-0011 Fax (817) 259-3325
TBRG Registration Number F1048
Bury+Partners, Inc. © Copyright 2009

Drawn by: AM Approved by: ACD Project No. 1241-03-20 File: K:\241\03\124103P.dwg

C8-2009-0064.0A

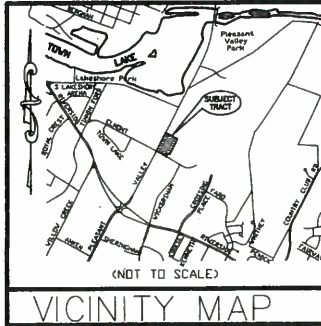
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SHEET
1
OF 2

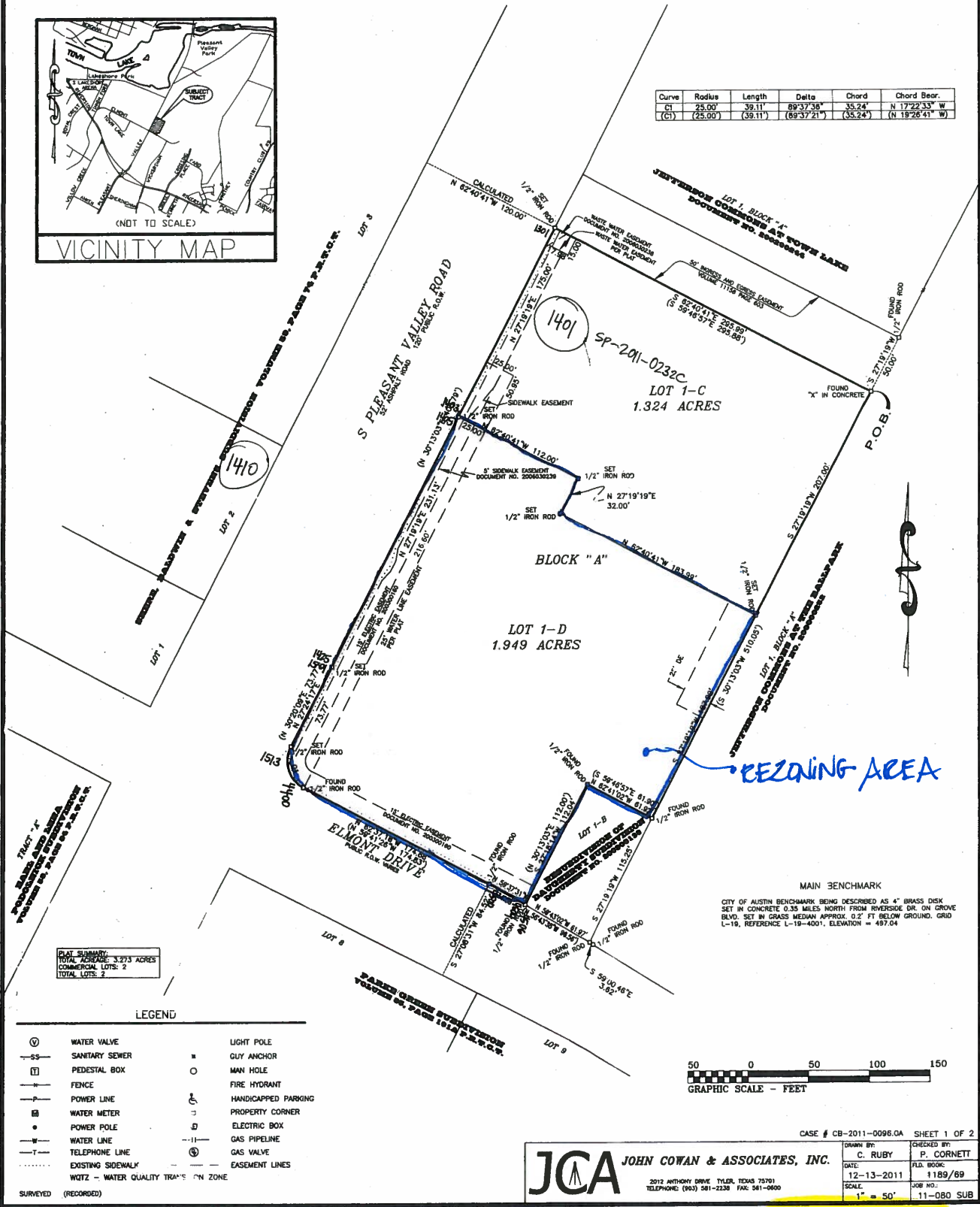
PHOTOGRAPHIC MYLAR

201200097

**FINAL PLAT
SHOWING
AUSTIN (PLEASANT VALLEY) DTP IV, LLC ADDITION
BEING A RESUBDIVISION OF LOT 1-A, BLOCK "A"
OF THE DAUGHERTY SUBDIVISION AS SHOWN ON
PLAT OF SAME RECORDED IN DOCUMENT NO. 200900136
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**



Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	25.00'	39.11'	89°37'38"	35.24'	N 17°22'33" W
(C1)	(25.00')	(39.11')	(89°37'21")	(35.24')	(N 17°26'41" W)



14132

CB-2011-0096.0A

RECORDED PLAT



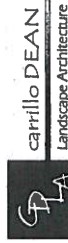
PROTECTION OF LANDSCAPE AREAS
All landscape areas adjacent to vehicular use areas shall be protected by at-least curb, sidewalk, or other approved barrier as per Section 6-4. Article 2, Division 2. The barrier must be at least six (6) inches in height and anchored sufficiently to prevent movement.

IRRIGATION COMPLIANCE NOTE:
Irrigation will comply with City Code Chapter 6-4, Article 2, Division 2 regarding the City's water conservation restrictions.

If establishing vegetation during any stage of a drought, Section 6-4-30 may require a variance. Contact Austin Water Conservation staff at watersavecom@austintexas.gov or call (512) 874-2189.

As the landscape architect for this project I certify that this plan meets the requirements of Chapter 6-2 Article 9 of the Local Government Code.

Project: T. Dean



4022 Marbach Road • Austin, Texas 78704
Phone: 512-335-7303 • Fax: 512-335-6163

DATE: 07-31-14
DRAWN: T. Dean

LANDSCAPE PLAN
PERMIT
SITE DEVELOPMENT

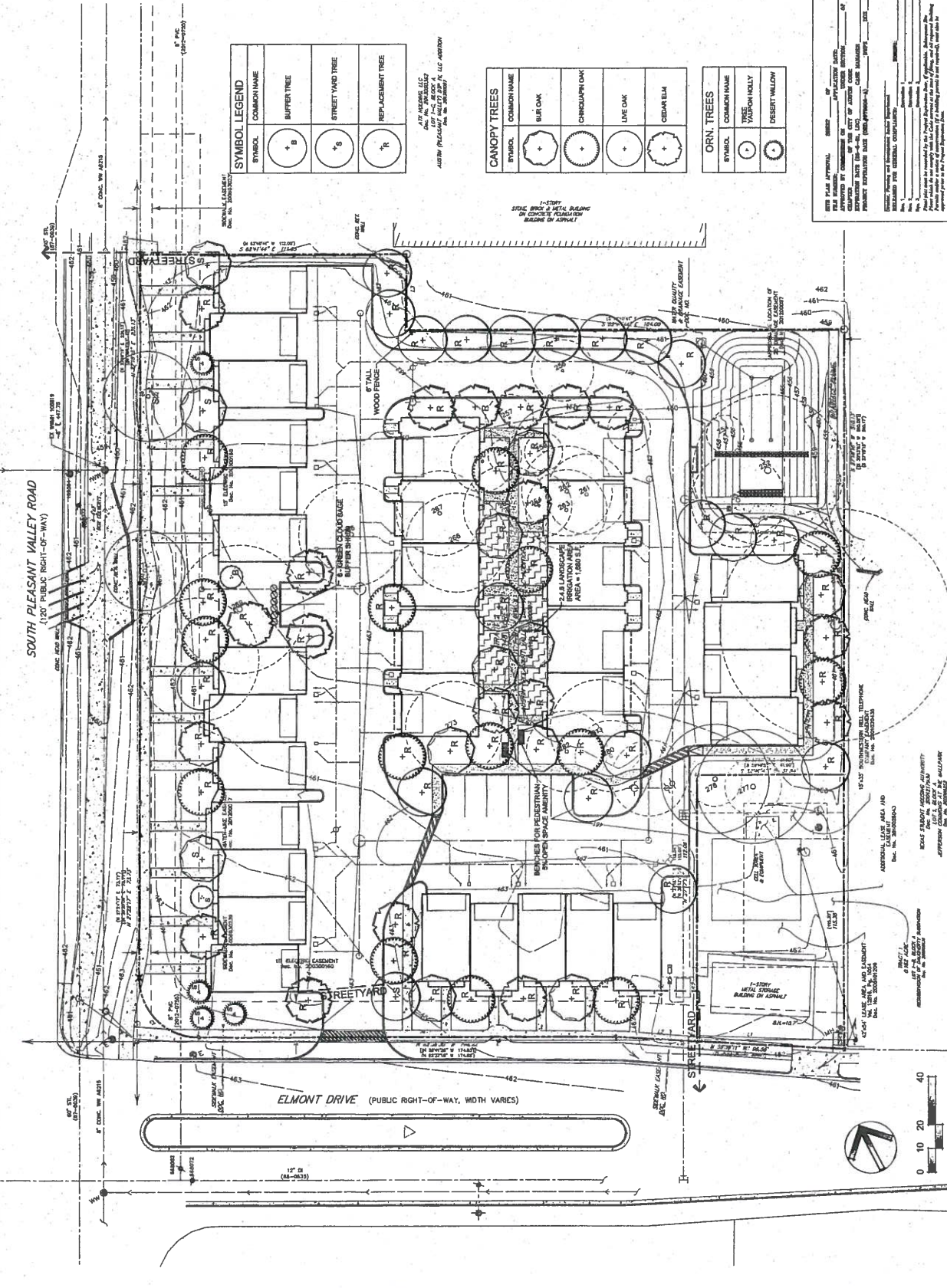
1401 PLEASANT VALLEY
1401 SOUTH PLEASANT VALLEY ROAD
AUSTIN, TEXAS 78701

JONES & CARTER, INC.
ENGINEERS-PLANNERS-ARCHITECTS
1901 Chambers Road, Suite 400 Austin, Texas 78701 (512) 441-0400



DATE: 07-31-14
DRAWN: T. Dean
PROJECT: 1401 PLEASANT VALLEY

SP-2014-0177C



SYMBOL	COMMON NAME
+	BUFFER TREE
+	STREET YARD TREE
+	REPLACEMENT TREE

As the landscape architect for this project I certify that this plan meets the requirements of Chapter 6-2 Article 9 of the Local Government Code.

SYMBOL	COMMON NAME
+	MUR OAK
+	CHOCOLATE OAK
+	LIVE OAK
+	CEDAR ELM

SYMBOL	COMMON NAME
+	YAZON HOLLY
+	DESERT WILLOW

PERMIT TO CONSTRUCT
This permit is issued by the City of Austin, Texas, for the construction of the above described project. The permit holder is responsible for obtaining all necessary permits from other agencies and for complying with all applicable laws, rules, and regulations. The permit holder is also responsible for maintaining the project in accordance with the approved plans and specifications. The permit holder is not responsible for any damage to existing structures or utilities. The permit holder is also responsible for obtaining all necessary permits from other agencies and for complying with all applicable laws, rules, and regulations. The permit holder is also responsible for maintaining the project in accordance with the approved plans and specifications. The permit holder is not responsible for any damage to existing structures or utilities.

SITE PLAN
IN PROCESS